



WATER-RIGHT DOCKET

White Sands National Monument

Docket No: 3

DOG CANYON # 1193 ROBINSON ET AL.

Preliminary Docket Information

00-00-0000: note to file - referral to docket 1 for a complete history of condemnation procedures

Note to File

By declaration of taking and condemnation by purchase in 1939 and 1940, the United States acquired certain tracts of land and appurtenant rights (from J.L. Lawson) to the use of waters of Dog Canyon to provide a water supply to WHSA. The appurtenant water rights #386 and #1193 were either extinguished or transferred to the United States by the judgement in the condemnation, No. 82 Civil. On November 16, 1940, the United States filed an independent Federal Water Withdrawal No. 2399 to cover the diversion of waters of Dog Canyon and their conveyance to the Monument.

Refer to docket WHSA-0001 "Dog Canyon Water System - Declaration of Taking #2399" for a complete history of condemnation proceedings, history of land ownership, current status of Dog Canyon water rights, etc.

READ INSTRUCTIONS ON BACK BEFORE FILLING IN BLANKS

Office of the State Engineer, Santa Fe

ANNUAL REPORT

on

The Use of Public Waters of the State of New Mexico

For the Year Ending December 31, 19

1. Surface Streams.

Source of water supply (a) Flood waters from Dog Canyon
 (Spring or Stream)
 which is a tributary of (b) _____
 (Stream)
 and located within (c) _____ Basin
 (To be filled out by State Engineer)

2. Underground Waters.

(a) Name of Underground Basin _____
 (b) Source of supply _____
 (Artesian or Shallow Ground Water)
 (c) Flowing or pumping well _____
 (See Instructions)

3. Name of water user

Robert E. Robinson
 Post Office Address Alamogordo
 County of Otero State of New Mexico

4. Total amount of water used during the 1936 calendar year 200 acre-feet, for the following purposes:

(a) 15 acre-feet for the irrigation of 12 acres of land described as follows:

(Note: Fractional parts or irregular areas shall be described to the exact acreage contained within each 40 acre legal subdivision.)

Subdivision	Section	Township	Range	Acres	Owner
<u>120</u>	<u>13</u>	<u>18</u>	<u>9</u>	<u>12</u>	<u>R. E. Robinson</u>
	<u>24</u>	<u>18</u>	<u>9</u>	<u>185</u>	<u>"</u>

(b) _____ acre-feet for domestic purposes.

(c) _____ acre-feet for _____
 (Manufacturing, mining or milling)
 purposes, of which amount _____ acre-feet were returned to stream.

5. Legal authority for use of water:

- (a) State Engineer License 1193 No. 1193
(Permit or License)
- (b) Old vested right filed in Office of State Engineer under Declaration No. _____
- (c) If authority does not come under (a) or (b), state the year during which said water was first beneficially used.
Aug. 1921

6. Amount of money expended on irrigation system during the past year \$ _____, divided as follows:

- (a) Maintenance \$ none
- (b) Betterments and improvements \$ _____
- (c) Additions \$ _____

7. General condition as to crops and water supply:

There was not over an inch of rainfall
until late part Sept. no floods
sufficient to raise crop. But some
grain was kept alive, and small growth
in late fall, etc. as no permanent flow

I, _____
do solemnly swear that the statements and answers to questions in this report are true to the best of my knowledge and belief.

Signed

Robert E. Robinson

Subscribed and sworn to before me, this 18th day of Jan., 1957.

My commission expires:

Notary Public.

Instructions

Every water user holding two or more water rights shall file a separate report for each right.

Sec. 1. Shall be answered only by those who use water derived from springs, rivers or other surface streams.

Sec. 2. Shall be answered only by those who use water derived from the various underground basins.

Sec. 2 (c) A well which flows part of time and is pumped part of time shall be designated as flowing and pumping.

Sec. 4. One acre-foot of water is the amount of water which will cover one acre of land to a depth of one foot.

This report is due in the Office of the State Engineer on or before the 1st day of February, and shall cover the last preceding year.

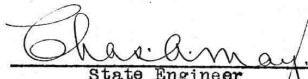
State of New Mexico
Office of State Engineer

CERTIFICATE OF CONSTRUCTION

Certificate No. 1193 - Book "H" - Refers to Permit 1193

THIS IS TO CERTIFY that the works known as the Coppernoll Flood Ditch from Dog Canyon, which are located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 18, S of R 10E, N.M.P.M., at a point which bears south 74° 15' E, 2508 feet distant from the corner of Sections 8, 9, 16, and 17, Twp. 18, S. of R. 10E, N.M.P.M. in the County of Otero, State of New Mexico, after having been duly inspected and reported on by L. N. Jones of Alamogordo, New Mexico, who is competent and was duly authorized by this office, were found to be properly constructed and adequate through which to apply fifteen hundred sixty (1560) acre feet of water per annum to the intended use, the actual capacity of said diversion canal being one hundred (100) cubic feet of water per second.

Witness my hand this first day of September,
A. D. 1921.


State Engineer

STATE OF NEW MEXICO
Office of State Engineer

LICENSE TO APPROPRIATE WATER

License No. 1193 - Book "H" - Refers to Permit 1193
Priority Date - June 11, 1919.

WHEREAS, on the nineteenth day of July, A. D. 1918
Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed Billups
and B. M. Hudman, of Valmont, County of Otero, State
of New Mexico, duly made application 1193 for a permit
to divert one hundred (100) cubic feet per second of
the flood waters of Dog Canyon Arroyo in Otero County,
State of New Mexico, for irrigatinn and domestic purposes;
which was duly approved June 25th A. D. 1919 for twenty-
six hundred forty (2640) acre feet, and

WHEREAS, on the eleventh day of August, A. D. 1921,
Eva Robinson, R. E. Rupard, E. E. Coppernoll, the holders
of said permit duly made proof of the completion of
adequate works for the diversion of said waters, as evidenced
by the Certificate of Constructinn issued this first day
of September, A. D. 1921, and

WHEREAS, on the eleventh day of August, A. D. 1921,
Eva Robinson, R. E. Rupard and E. E. Coppernoll, the holders
of said permit duly made proof of the actual application
to beneficial use of a total of fifteen hundred sixty
(1560) acre feet of water in connection with which the
required inspection was made and report thereon duly
executed by L. N. Jones and filed August 22, A. D. 1921,

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suggesting the issuance of a final license for three (3) acre feet of water per acre net per annum.

NOW, THEREFORE, I, Charles A. May, State Engineer of the State of New Mexico, by virtue of the authority vested in me by the laws of the State of New Mexico, do hereby grant to Eva Robinson, R. E. Rupard and E. E. Coppernoll, of Valmont, County of Otero, State of New Mexico, the holders and owners of said permit 1193, a license dating from the filing of publisher's affidavit of publication of notice, June 11, A. D. 1919, to appropriate a total of fifteen hundred sixty (1560) acre feet of water delivered on the land per annum, to be conducted from Dog Canyon, County of Otero, State of New Mexico, and applied as follows, to-wit: A total of five hundred twenty (520) acres actually irrigated thereby:

R. E. Rupard: A total of 120 acres.

5 acres in cultivation in N. E. Cor of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 18, T. 18 S. of R. 10E. Grazing lands irrigated 115. 40 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 18 and remainder in N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Sec. 18.

Eva Robinson: A total of 240 acres.

20 acres in cultivation, 14 in NW Cor of S $\frac{1}{2}$ of Sec. 13, and 6 acres along the west side of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24, Twp. 18, S. of R. 9 E. 220 acres Grazing land all of S $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 13, Twp. 18, S. of R. 9. E. except 14 acres described as in cultivation; E $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, of said Sec. 24, except 6 acres mentioned above as in cultivation.

E. E. Coppernoll: A total of 160 acres.

10 acres in cultivation in SE COR of N $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 24, Twp. 18, S. of R. 9 E. 150 acres of Grazing lands, all of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 24, the N $\frac{1}{2}$, of SW $\frac{1}{4}$ of said Sec. 24, except 10 acres in cultivation mentioned above.

- the same to be used as above stated and may be changed only as provided by law.

In Witness Whereof, I have hereunto set my hand and official seal this first day of September, A. D. 1921.

Charles A. May
State Engineer

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

Under Permit No. 1193

Question 1. State your name, occupation and post office address.
Answer: Valmont, N.M.

Question 2. If acting in behalf of a corporation, state its name, place of business and your authority for applying in its behalf.
Answer: R.E. Robinson, acting for R.E. Rupard, the latter being absent from the State.

Question 3. State number and date of permit, source of water supply and location of point of diversion.
Answer:

Question 4. Give name of canal or other works by which water is conducted to its place of use, and state the maximum amount of water such works are capable of carrying.
Answer: Coppernoll Flood Ditch, capable of carrying 100 cubic feet per second.

Question 5. What is the minimum required for the use specified during the irrigation season?
Answer: Three acre feet, on each acre for all of the parties

Question 6. What is the minimum required for the use specified during the remainder of the year?
Answer: All that can be gotten to supply deficiency from regular irrigation season.

Question 7. If you are not the person or representative of the corporation to whom the above mentioned permit was originally issued, state how ownership was acquired by you.
Answer: Same persons

Question 8. State for what purpose water is used, and at what point. If for irrigation, name each subdivision on which used, giving number of acres in each subdivision on which said water has been continuously and beneficially used under said application.
Answer: Irrigation,

R.E. Rupard, 5 acres in cultivation in N.E. Cor of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, 18 S. 10 E. Grazing lands irrigated 115, & 40 acres in S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 18, and remainder in N $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Sec. 18.

Eva Robinson, 20 acres in cultivation, & 14 in NW cor of S $\frac{1}{2}$ of Sec. 13, and 6 acres along the west side of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24, 18 S. 9 E.

220 acres of Grazing lands, all of S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 13, 18, 9, E. except 14 acres described as in cultivation. E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 24; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 24, except 6 mentioned above as in cultivation.

E.E. Coppernoll, 10 acres in cultivation in SE cor of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24, 18 S. 9 E. 150 acres of Grazing lands, All of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 24, the N $\frac{1}{2}$ of SW $\frac{1}{4}$ except 10 acres in cultivation mentioned above.

Question 9. State the date on which the water was applied to its full beneficial use under above described and numbered permit.

Answer: For all parties making this proof, about 10th of June to 12th day of July, 1921.

Question 10. State the amount of, and to what extent the water diverted under the above mentioned permit has been used.

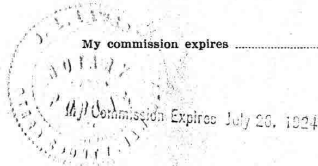
Answer: Very small amount of flood flow last year, and for 1921 full capacity of ditch has been used. All that came down last year was used.

(Signed) Eva Robinson
P. E. Ruppard by P. E. Ruppard
E. E. Coffey

I hereby certify that the foregoing testimony was read to the above subscriber before its signing and that said testimony was subscribed and sworn to before me this 10th day of August, 1921.

J. P. Lawrence
Notary Public.

My commission expires



PROOF OF COMPLETION OF WORKS

State of New Mexico } ss. Under Permit No. 1193
 County of Otero }

I, Eva Robinson, R.E. Rupard, and E.E. Coppernoll
 of Valmont, County of Otero
 State of New Mexico, being first duly sworn, do hereby certify that I am the holder
 of the permit to appropriate water from Dog Canon river in
 the no stream system or drainage on plains.
 County for Irrigation purposes:

that said application for permit has been approved and filed in the State Engineer's Office under No. 1193;
 that the plans and specifications were filed in the Office of the State Engineer of New Mexico, and approved on the
25th day of June, 19 19;
 that the works necessary to accomplish the appropriation of the water in accordance with the said application for
 permit have been completed; that the following statement of facts is submitted in proof of the completion of said
 works; that I made the said statement and that each and all of the items contained therein are true.

Eva Robinson
R.E. Rupard by R.E. Robinson
E.E. Coppernoll

Subscribed and sworn to before me this 10th day of August, 19 21.
 My commission expires

J. L. Lawm
 Notary Public.

STATEMENT.

- Name of appropriator is Eva Robinson, R.E. Rupard, E.E. Coppernoll, Ed. Billups
and B.M. Hudman,
- Postoffice address Valmont,
- The direct source of supply is Dog Canon,
 in the no stream system.
- The "point of diversion" or "point of issuance" is situated at a point which bears South 74 degs and
15 Min East 2508 feet distant from Corner of Secs 8, 9, 16 and 17, 18 S. 10 East,
- The diverting works consist of Rock Dam
- Name of canal, ditch, pipe line or other diverting channel (if named) is Coppernoll Flood Ditch,
- The nature of the diverting channel is (earth, wood, iron, concrete) Just native boulders placed
across the channel.
- The length of diverting channel is total length of ditch is 4 miles.
- The top width of the diverting channel is (if a ditch) ditch is about 9 feet ft.
- The bottom width of the diverting channel is (if a ditch) three feet ft.
- The effective depth of the diverting channel is (if a ditch) average depth 3 feet ft.
- The width of the diverting channel is, (if a flume) No. flume ft.

13. The effective depth of the diverting channel is (if a flume) Not a flume ft.
14. The diameter of the diverting channel is (if a pipe) No pipe ft.
15. The average grade of the diverting channel is eight ft. per 1000 ft.
16. The maximum height of the dam is two feet ft.
17. The length of dam on top is about 150 feet ft.
18. The maximum width of dam on top is about 2 feet ft.
19. The maximum width of dam on bottom is average 5-6 feet ft.
20. The character and composition is Boulders and Dirt
21. The cost of said dam is \$ 100.00
22. Construction of works was commenced Agust, 1918,
23. Construction of one-fifth of works was completed During August, 1918.
24. Construction of works was completed June 1921.

GENERAL REMARKS.

State of New Mexico

County of Otero

ss.

I, L. N. Jones

of Alamogordo, Otero County, State of New Mexico, having been duly sworn according to law depose and say: That I am a qualified engineer and that I have inspected the completed works as above set forth and find them to be completed in accordance with the foregoing statement of facts; that they are properly and safely constructed and are now in a satisfactory condition for acceptance.

Subscribed and sworn to before me this 10th day of August, 1921

My commission expires

Notary Public.

My Commission Expires July 26, 1924

Above for your engineer to
swear to.

APPLICATION FOR PERMIT

No. 1193

1. Date of receipt of application. **JUL 19 1918**
2. Name of Applicant. **Eva Robinson, R. E. Rupard, R. E. Coppernoll, Ed. Billups, and R. H. Hudman**
- Post Office address. **Valmont,** County of **Otero,** State of **New Mexico.**
3. If applicant is a corporation, give:
- (a) Date and place of organization of corporation **Not.**
- (b) The amount of capital stock, \$ **_____** (c) The amount paid in \$ **_____**
- (d) The names and address of Directors. **_____**
4. Quantity of water claimed **_____** (Important—See Note on Back)
- (a) By diversion **100 second feet** or (b) By storage **_____** ac. ft.
- (c) **At any time of floods, but not to exceed 2640 acra feet per annum.**
5. Periods of annual use **_____** from **_____** to **_____** (During Irrigation Season)
- Jan 1st to December 31st per annum, when there is any flood waters.** (During Winter—See Instructions)
6. Source of water-supply (a) Name **Dog Canon.**
- (b) Which is a tributary of **Nothing.**
7. Location of point of diversion or storage:
- Bears **South 74 degrees and 15 minutes East 2508** feet distant
- from the **Corner of Secs. 8, 9, 16, & 17** of **Section** **_____** Township **18 South** of Range **10 East.**
- being in the **North East** quarter of the **North West** quarter of Sec. **16** Twp. **18 South** Range **10 East.**
8. To be used for **Irrigation Purposes,** purposes **_____**
- IRRIGATION AND DOMESTIC USE.**
- (a) Number of acres to be irrigated **880 acres.**
- (b) In the following legal subdivisions.
- SW $\frac{1}{4}$ of the S $\frac{1}{2}$ of NW $\frac{1}{4}$, the N $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 18, Twp. 18 S. R. 10 E; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 15, the S $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{4}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Sec. 24, N $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 25, S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 23, N $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, Twp. 18 S. R. 9 E.**
- MANUFACTURING, MINING AND POWER PURPOSES.**
- (a) Quantity of water **Not.** sec. ft.
- to be used for **_____** H. P. (c) Conducted by **_____**
- (Conduit)
- feet in length from a point **_____** (Locate Point of Diversion or Intake)
- to a point where water will be returned to stream undiminished in quantity **_____** (Locate Point of Return)

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9. Remarks:

10. Estimated cost of work \$ 400.00

11. Description of work for diversion. The Ditch is cut into the Dog Canon Arroya at the point shown on the accompanying plat, and the ditch then follows the line indicated on the plat to the several places of use.

CANAL OR DITCH.

(a) Size of headgate. Width None ft.; Height None ft. (b) Width of canal at bottom 3 ft.; Width at water line 9 ft.; Depth 3 ft.; The slopes of said ditch are 1 to 1; Average grade per 1000 ft. is 8 feet Capacity 100 sec. ft.; Length of main canal is 4 miles and crosses the following sections: N.W. 1/4 of Sec. 18, Tp. 18, R. 9 E. and 18 and 17, 18 South Range 10 E. and part of 13 and 24, in 18 S.R. 9 East, more fully shown on the plat.

STORAGE WORKS.

(a) Maximum height of dam Not ft.; Length of dam at top ft.; Maximum width of dam on top ft.; Maximum width of dam on bottom ft. Character and composition of dam Estimated cost of dam \$ Storage capacity

REMARKS.

12. Other reservoirs and canals, name or number, location, size and capacity of each as above.

Stark & Madison Ditch to the North about 8 ft. at the top and 3 feet deep, estimated carrying capacity of about 20 sec. ft. No other ditch from the said canon or Arroya for flood waters.

13. The time required to begin construction 1 months. The time required to complete the works 6 months. The time required to fully apply the water to a beneficial use on the irrigable land herein described 12 months.

14. Reference Peoples State Bank of Alamogordo, N.M. and W.W. Mann, Alamogordo, N.M.
(Give name of bank and merchant reference)

I, Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed. Billups and B. M. Hadman do solemnly swear that the statements and answers to questions in this application are true to the best of my knowledge and belief.

NOTE:—Claimant shall, before signing, be sure that the above is filled out fully in accordance with the instructions on the back.

Claimant

Subscribed and sworn to before me, this 17th day of July, 1918

My commission expires July 22, 1920

Notary Public.

1193

APPROVAL OF STATE ENGINEER

The number of this permit is 1193. Publisher's affidavit filed April 21, 1919.
 Date of receipt of notice August 12, 1918. Date of receipt of application July 19, 1918.
 Returned for correction March 13, 1919. Received corrected April 21, 1919.
 Publication ordered March 13, 1919. Paper Otero County News.
 Application recorded in Book. Page 1193. Approved June 25, 1919.
 (a) ~~Twenty six hundred forty acre feet~~ By storage. acre ft.
 (c) Remarks: This application being for diverting particularly flood or
 torrential flow is approved to the full capacity of the works provided
 the use of water shall not be in excess of three acre feet per acre
 delivered on the land; also provided it is not exercised to the detri-
 ment of any others having prior valid and existing rights to the use of
 the water of this stream system.

The construction of the within described works to be commenced not later than represented as com-
pleted.

One-fifth of the work above specified to be completed on or before.

The whole of said work to be completed on or before.

The time for application to beneficial use shall not be later than July 25, 1921.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State
 of New Mexico, and hereby approve the same, subject to the foregoing proviso and conditions:

Witness my hand, this 25th day of June, 1919.

EXTENSIONS

State Engineer.

STATE OF NEW MEXICO, } ss.
 OFFICE OF STATE ENGINEER. }

This is to certify that, after considering the merits of the application for an Extension of Time, filed in connec-
 tion with the foregoing permit on the day of 19.
 I have issued the certificate for said extension this day of 19.
 extending the dates as follows:

The construction work.

One-fifth of the work.

The whole of said work.

Application to beneficial use shall not be later than.

Witness my hand, this. day of 19.

State Engineer.

STATE OF NEW MEXICO, } ss.
 OFFICE OF STATE ENGINEER. }

This is to certify that, after considering the merits of the application for an Extension of Time, filed in connec-
 tion with the foregoing permit on the day of 19.
 I have issued the certificate for said extension this day of 19.
 extending the dates as follows:

The construction work.

One-fifth of the work.

The whole of said work.

Application to beneficial use shall not be later than.

Witness my hand, this. day of 19.

State Engineer.

READ INSTRUCTIONS ON BACK

*Amended*NOTICE OF INTENTION TO MAKE FORMAL
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of New Mexico

To replace No. 1193 originally filed

1. Date of receipt of Notice. **FEB 12 1919**
(a) Formal application to be received on or before. **AUG 12 1918**
2. Name of Applicant. **B. M. Hudman, A. Lemogordo, N. M., E. Y. Billups, E. E. Coppernoll,**
and **Eva A. Robinson, Valmont,** County of **Otero,** State of New Mexico.
Post Office Address.
3. If Applicant is a corporation give:
(a) Date and place of organization of corporation. **Not.**
(b) The amount of capital stock \$. (c) The amount paid in \$.
(d) The names and addresses of Directors.
4. Quantity of water claimed. (Important—see note on back.)
(a) By diversion. **40** sec. ft., or (b) By storage. ac. ft.
(c) **Of flood waters, at any time it flows, but not to exceed an equivalent**
of 2280 acre feet.
5. Source of water supply (a) Name of stream or water course. **Dog Canyon.**
(b) Which is a tributary of.
6. Location of point of diversion or storage.
Is in the **near center of** quarter of quarter
of Section **Sixteen (16)** Township **Eighteen (18)** Range
Ten (10) East.
7. To be used for. **Irrigation**
IRRIGATION AND DOMESTIC USE.
(a) Number of acres to be irrigated. **750.**
(b) Described as follows. **S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 23; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 26; S $\frac{1}{2}$ of SW $\frac{1}{4}$
of Sec. 24; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 25; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 24; S $\frac{1}{2}$
of SE $\frac{1}{4}$ of Sec. 13; N $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24, all in
Twp. 18 S. R. 9 East.**
- MANUFACTURING, MINING AND POWER PURPOSES.
(a) To be used for. **not.**
(b) Power to be generated. H. P. (c) Conducted by
(Canal, Pipe Line or Flume)
feet in length from a point (Describe Point of Diversion or Intake)
to a point where water will be returned to stream undiminished in quantity (Describe Point of Return)
8. Remarks:
The waters to be diverted at the mouth of the said Dog Canon, and to run

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substantially as follows: In a southwesterly direction to near the center of Section 17, thence west one mile, in the said township and range, thence south east to the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 18 S. R. 9 East, thence west one mile and half mile, thence south one mile, thence west one-half mile, by an open ditch of the carrying capacity of 40 second feet.

3. Reference Peoples State Bank, of Alamogordo, N. M. and W. Mann, Alamogordo, N. M.

I, _____, do solemnly swear that the statements and answers to questions in this application are true to the best of my knowledge and belief.

Claimant: *Edw. J. Goodman*

Edw. J. Goodman

Edw. J. Goodman

Subscribed and sworn to before me, this *9th* day of *February*, A. D. 19*18*.

My commission expires _____

My Commission Expires July 22, 1920

J. L. Lawrence
Notary Public.

RECEIVED
FEB 13 1918
OFFICE OF THE STATE ENGINEER

Instructions and Explanations for Filling out Notice of Intention to Make Formal Application

(Fees required by statute shall be deposited upon filing this notice.)

READ CAREFULLY

THIS BLANK TO BE MADE OUT IN DUPLICATE.

NOTE:—For irrigation purposes, this office prefers that the proposed appropriation be given in acre feet to be delivered on the land.

The State Agricultural College, State College, N. Mex., will give you valuable information as to the duty of water for different crops raised.

Sec. 1. Do not fill in section one. This blank is left for the State Engineer.

Sec. 2. Fill in the name of the applicant and address.

Sec. 3. If applicant is a corporation, company or firm, fill out blanks under section three. Give date of filing certificate of incorporation with the Corporation Commission.

Sec. 4. Quantity of water claimed should be the total amount in cubic feet per second or acre feet per annum to be beneficially used. (See note above.) The duty, according to law shall not be in excess of 1 cu. ft. per sec. or 723.96 acre feet per annum for each 70 acres to be irrigated. An amount of water sufficient to cover the ground 2 to 3 feet deep is generally considered plenty if beneficially used. The amount of water to be used wholly or partly by diversion shall be noted in the blank space after (a); The amount of water to be used wholly or partly by storage shall be noted in the blank space after (b); also under (c) give any explanation necessary to properly state the claim to water or to define the use of the works.

Sec. 5. Each blank under this section shall be filled out.

Sec. 6. The point of diversion in a purely diversion proposition is the point where the water is taken directly out of the river, arroyo or water course, and is also the same in a storage proposition where the water is diverted from the stream to store in an outside reservoir, but where the reservoir is formed by a storage dam across the water course then the point of diversion is at the outlet of said reservoir.

If on unsurveyed lands describe the location fully, and in addition project out the section and township lines from the nearest accepted government survey, and give the quarter section, township and range in which the diversion will probably fall. Show the projections properly indicated on the maps.

Sec. 7. State all the purposes for which the water is to be used. If for irrigation state under (a) the total number of acres to be irrigated; under (b) the location of land to be irrigated. If for mining or power purposes, fill out blank sections for that purpose. When same water is to be used for several purposes, fill out all blanks referring to the different purposes.

Sec. 8. Is for further description of the proposed works.

Sec. 9. Is to give a reference of some bank and merchant.

Claimant shall sign affidavits to above statements before a Notary or other proper official qualified to administer oaths. Be sure he is legally qualified to take your oath.

If the application is to enlarge an old proposition or to amend a permit, fill out this blank to cover only the enlarged or amended portion, then state under Sec. 8 the required data necessary to define the old works.

1193

READ INSTRUCTIONS ON BACK

Original

NOTICE OF INTENTION TO MAKE FORMAL APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of New Mexico

(This Blank to be Made Out in Duplicate)

No. *1193*

1. Date of receipt of Notice *December 26th-1917*
(a) Formal application to be received on or before *June 26th-1918*.
2. Name of Applicant *B. M. Hudman, ALAMOGORDO, B. M. and E. Y. Billups.*
Post Office Address *Valmont,* County of *Otero* State of New M *12/26/17*
3. If applicant is a corporation give:
(a) Date and place of organization of corporation.
(b) The amount of capital stock \$ (c) The amount paid in \$
(d) The names and addresses of Directors.

*no
reference
to earlier
date*

4. Quantity of water claimed
(a) By diversion *20* sec. ft. or *(by passage of flood waters when they are in flow, but not to exceed an equivalent of 4 second feet of permanent waters.)*
(c) flow, but not to exceed an equivalent of 4 second feet of permanent waters.

5. Source of water supply (a) Name of stream or water course *Dog Canon.*
(b) Which is a tributary of *Nothing*
6. Location of point of diversion or storage.
The *About the center of* corner of Section *16*
Township *18 South*, Range *10 East.* *feet distant.*

7. To be used for *Irrigation during flood season.*
IRRIGATION AND DOMESTIC USE.
(a) Number of acres to be irrigated *320*
(b) Described as follows *North half of Northeast Quarter of Section 26, South half of the Southeast Quarter of Section 23 (Hudman); North half of Northwest Quarter of Section 25 and South half of the Southwest Quarter of Section 24, all in Township 18 South Range 9 East. (Billups)*

MANUFACTURING, MINING AND POWER PURPOSES.

- (a) To be used for
(b) Power to be generated *H. P. (c) Conducted by*
(Canal, Pipe Line or Flume)
feet in length from a point
(Describe Point of Diversion or Intake)
to a point where water will be returned to stream undiminished in quantity.
(Describe Point of Return)

8. Remarks:

The waters to be diverted by canal or ditch to carrying capacity of 20 sec feet and to run to the lands described, the exact location to be shown by permanent maps, but approximately as follows: Running West to a point about 1320 feet North of the Southwest corner of Section 17, Township 18, South, Range 10 East: thence diagonally across the corner of Section 18, in the same township and range: thence diagonally across Section 19, to a point on the West line of said section about 1320 feet North of the Southwest corner of said section: thence due west to lands of applicants. People's State Bank and W. W. Mann, Alamogordo, N. M.

I, B. M. Hudman, and I, E. Y. Billups-----, do solemnly swear that the statements and answers to questions in this application are true to the best of my knowledge and belief.

Claimant: *B. M. Hudman*

E. Y. Billups

Subscribed and sworn to before me this *24th* day of *December* A. D., 191*7*

My commission expires-----

My Commission Expires July 22, 1920

J. S. Lawton

Notary Public.

Instructions and Explanations for filling out Notice of Intention to make Formal Application

(Proper fee to accompany this application)

READ CAREFULLY

- Sec. 1. Do not fill in section one. This blank is left for the State Engineer.
- Sec. 2. Plainly fill in the name of the applicant and address.
- Sec. 3. If applicant is a corporation, company or firm, plainly fill out blanks under section three. Give date of filing certificate of incorporation in office of Secretary of State of New Mexico.
- Sec. 4. Quantity of water claimed should be the total amount in cubic feet per second to be beneficially used during the average periods of annual use. This amount cannot be in excess of 1 cu. ft. per sec. for 70 acres. One cu. ft. per sec. or second foot running eight months would cover 70 acres nearly 7 ft. deep. The amount of water sufficient to cover the ground $2\frac{1}{4}$ ft. deep is generally considered plenty if beneficially used, therefore one sec. ft. would be sufficient to irrigate 100 to 200 acres. If the water is wholly or partly diversion then the amount should be noted in the blank space after (a); If the water is wholly or partly storage then the amount should be noted in the blank space after (b); also state under (c) how the works are to be used.
- Sec. 5. Fill out plainly each blank under this section. Especially fill in to what stream or water course it is tributary to.
- Sec. 6. The point of diversion in a purely diversion proposition is the point where the water is taken out of the river, arroyo or water course and is also the same in a storage proposition when the water is diverted from the stream to the reservoir, but where the reservoir is formed by a storage dam across the water course then the point of diversion is at the outlet of said reservoir.
- If on unsurveyed lands describe the location fully.
- Sec. 7. State all the purposes for which the water is to be used. If for irrigation state under (a) the total number of acres to be irrigated; under (b) the location of land to be irrigated, if for mining, or power purposes fill out blanks for that purpose. When same water is to be used for several purposes, fill out all blanks referring to the different purposes.
- Sec. 8. Further description of the proposed works.
- Sec. 9. Is to give a reference of some bank and merchant as to your ability to complete the works described in your application.
- Claimant must sign affidavit to above statements before a Notary or other officer qualified to administer oaths. If the application is to enlarge an old proposition, fill out the blanks according to the enlarged project, then state under Sec. 8 the required data necessary to define your old works.

L. H. Jones,
Alamogordo, N. M.

August 12th, 1921

To Whom It May Concern:

This is to advise that J. L. Lawson has requested your appointment to make a final inspection and report as requested by statute under Permit No. 1193. You are hereby given authority. The legal requirements under Chapter CXIV, 1915 Code, especially Secs. 5688 and 5692, have to be complied with.

1. Give location of point of diversion or storage by legal subdivision as well as by course and distance.
2. Report on the actual construction works completed noting in detail any changes from original intentions, and any new changes or repairs you as engineer deem advisable or necessary. Give maximum capacity.
3. You shall report on the total amount of water applied to a beneficial use on the basis of acre feet per acre per season actually delivered on the land under the said permit.
4. According to law the final license is limited to the amount of water actually applied beneficially. In reporting confine yourself as closely as possible to that provision.
5. Note the periods of annual use, especially the irrigation season in number of days beginning (date) and ending (date).
6. In describing acreage cultivated, list and locate by subdivision, township and range, giving number in each. Be careful to include only areas irrigated under the permit.
7. Your report shall be formulated separate from the proofs, and sworn to before a notary or officer qualified to take oaths.
8. When either the proof of completion or proof of water used is in error, make sufficient explanation in the report.
9. If the holder of the said permit is not the original applicant, the assignment shall be of record in the State Engineer's office. (Sec. 5695)
10. The right-of-way for the works under the water permit shall either be owned or controlled without controversy by the holder of said permit. Conclusive proof of this shall be filed.
11. The following statement or certificate shall be made a part of the report to be sworn to:

"I hereby certify that I am the engineer who made the inspection in the field of the works known as (name) under Permit No. , (diverting from or storing on) the (name) river, creek or water course, and have found them in satisfactory condition to deliver the full amount of water actually applied beneficially on the total area described. I suggest the issuance of a certificate of construction and a license to appropriate in accordance with the statute and recommendations herein contained, the said license to be limited for the said day irrigation season to acre feet of water per acre delivered on the land, and, also, to be limited and appurtenant to the said cultivated area upon which the water has been applied beneficially under Permit No. , comprising acres."

12. For flood water projects especially, a change in the ending of the statement makes the right more secure.

"....., the said license to be allowed for the full (diversion or storage) capacity of the works, provided the total amount appropriated shall not be in excess of the equivalent of acre feet of water per acre delivered on the land during each said day irrigation season, and to be limited and appurtenant....."

Very truly yours

Chas. Amay
State Engineer.

ASK-VR.
Incs.

P.S.,-- For special beneficial uses, such as power, mining, milling, manufacturing, etc., change the report and quoted statement to fit the proposition.

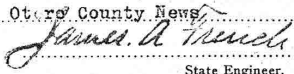
If you are reporting for a said certificate of construction only follow just such portions of the requirements as apply.

Santa Fe, N. M., March 13, 1919.

Messrs. R. E. Rupard, E. E. Coppernoll, Ed. Billups,
B. M. Hudman, and Eva Robinson,
Valmont, N. M.

Dear Sir:

You are hereby instructed that the following notice shall be published once a week for two consecutive weeks in the English newspaper as indicated below having general circulation in the stream system and file publisher's affidavit of proof of said publication within sixty days from this date. Failure to comply with the foregoing causes the application to lose its priority.

Name of Paper Otero County News

State Engineer.

(Editor, after publishing notice as required, is requested to immediately file proof by affidavit in the office of State Engineer.)

NOTICE STATE ENGINEER'S OFFICE

Number of Application 1193 Santa Fe, N. M., March 13, 1919Notice is hereby given that on the 19th day of July, 1918

in accordance with Section 26, Chapter 49, Irrigation Laws of 1907 Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed. Billups, B. M. Hudman of Valmont, County of Otero, State of New Mexico, made formal application to the State Engineer of New Mexico for a permit to appropriate the Public Waters of the State of New Mexico.

Such appropriation is to be made from Dog Canon

at a point which bears S. 74° 15' E., 2508 feet distant from corner of Sections 8, 9, 16, 17, T. 18 S. of R. 10 E. N. M. P. M. being in the NE 1/4 Sec. 16, T. 18 S. of R. 10 E.

by means of diversion works and 100 cu. ft. per sec. by diversion during floods but not to exceed 2640 acre feet per annum is to be conveyed to and delivered on lands to be irrigated.

by means of main canal and laterals and there used for the irrigation of 880 acres and domestic purposes in SW 1/4 of the SE 1/4, NE 1/4, Sec. 18, T. 18 S. of R. 10 E.; S 1/2 SE 1/4, Sec. 19; S 1/4 NE 1/4, NE 1/4, N 1/4 SW 1/4, S 1/4 SW 1/4, Sec. 24; N 1/4 NE 1/4, Sec. 25; S 1/4 SE 1/4, Sec. 26, T. 18 S. of R. 9 E., N. M. P. M.

Any person, firm, association or corporation deeming that the granting of the above application would be truly detrimental to their rights in the water of said stream system shall file a complete statement of their objections substantiated by affidavits with the State Engineer and serve a copy on applicant on or before the 11th day of June, 1919, the date set for the Engineer to take this application up for final consideration unless protested. In case of protested applications all parties will be given a reasonable length of time in which to submit their evidence in detail or arrange a date convenient for a hearing or appoint a referee satisfactory to all to take testimony. Appearance is not necessary unless advised officially by letter from the State Engineer.


State Engineer.

Santa Fe, N. M., July 19, 1918.

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

You are hereby instructed that the following notice shall be published once a week for two consecutive weeks in the English newspaper as indicated below having general circulation in the stream system and file publisher's affidavit of proof of said publication within sixty days from this date. Failure to comply with the foregoing causes the application to lose its priority.

Name of Paper Otero County News.
James A. French,
State Engineer.

(Editor, after publishing notice as required, is requested to immediately file proof by affidavit in the office of State Engineer.)

NOTICE.

State Engineer's Office

Number of Application 1193. Santa Fe, N. M., July 19, 1918.

Notice is hereby given that on the 19th day of July, 1918.
in accordance with Section 26, Chapter 49, Irrigation Laws of 1907 Eva Robinson, R. F. Rupard, E. E. Corn-
pernell, Ed. Billups & B. M. Hudman of County of Valmont, County of Otero, .

State of New Mexico, made formal application to the State Engineer of New Mexico for a permit to appropriate the Public Waters of the State of New Mexico.

Such appropriation is to be made from Dog Canon.

at a point bearing N. 74° 15' West, 2508 feet distant from the corners of
Secs. 8, 9, 16 and 17, Twp. 18 S., Range 10 East, being in the NE 1/4
of said Section 16, Twp. 18 S., Range 9 East.

by means of diversion works.

and 100. cu. ft. per sec. by diversion during floods

but not to exceed 2640 acre feet per annum is to be conveyed to and
delivered on the lands Sec. 18, Twp. 18 S., Range 10 East, and Secs.
26, 13, 24, 25 and 23, Twp. 18 S., Range 9 East.

by means of main canal and laterals.

and there used for the irrigation of 880 acres and domestic purposes.

Any person, firm, association or corporation deeming that the granting of the above application would be truly detrimental to their rights in the water of said stream system shall file a complete statement of their objections substantiated by affidavits with the State Engineer and serve a copy on applicant on or before the 17th day of September, 1918. the date set for the Engineer to take this application up for final consideration unless protested. In case of protested applications all parties will be given a reasonable length of time in which to submit their evidence in detail or arrange a date convenient for a hearing or appoint a referee satisfactory to all to take testimony. Appearance is not necessary unless advised officially by letter from the State Engineer.

James A. French,
State Engineer.

Affidavit of Publication

FILED

ALAMOGORDO, STATE OF
NEW MEXICO,AUG 26 1913
SS: OFFICE STATE ENGINEER,

County of Otero.

NOTICE

STATE ENGINEER'S OFFICE
Santa Fe, N. M., July 19, 1913.
Number of Application 1193.

Notice is hereby given that on the 19th day of July, 1913, in accordance with Section 26, Chapter 49, Irrigation Laws of 1907, Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed. Billups and B. M. Hudman of Valmont, County of Otero, State of New Mexico, made formal application to the State Engineer of New Mexico for a permit to appropriate the Public Waters of the State of New Mexico.

Such appropriation is to be made from Dog Cañon at a point bearing N 74 degrees 15 minutes West, 2508 feet distant from the corners of Secs. 8, 9, 16 and 17, Twp. 8 S., Range 10 East, being in the NE 1/4 NW 1/4 of Section 16, Twp. 18 S., Range 9 East, by means of diversion works and 100 cubic ft. per second by diversion during floods but not to exceed 2640 acre feet per annum is to be conveyed to and delivered on the lands in Sec. 13, Twp. 13 S., Range 10 East, and Secs. 26, 13, 21, 25 and 23, Twp. 13 S., Range 9 East, by means of main canal and laterals and there used for the irrigation of 830 acres and domestic purposes.

Any person, firm, association or corporation deeming that the granting of the above application would be truly detrimental to their rights in the water of said stream system shall file a complete statement of their objections substantiated by affidavits with the State Engineer and serve a copy on applicant on or before the 17th day of September, 1913, the date set for the Engineer to take this application up for final consideration unless protested. In case of protested applications all parties will be given a reasonable length of time in which to submit their evidence in detail or arrange a date convenient for a hearing or appoint a referee satisfactory to all to take testimony. Appearance is not necessary unless advised officially by letter from the State Engineer.

JAMES A. FRENCH,
(323) State Engineer.

C. W. Morgan, being duly sworn, on oath says that he is the publisher of the **OTERO COUNTY NEWS**, a newspaper of weekly circulation, published and printed in the English language at the town of Alamogordo, Otero County, State of New Mexico; that there is no daily paper published in the said county, nor was there at any of the dates herein mentioned. That the **OTERO COUNTY NEWS** has been regularly published and issued for more than nine months prior to the date of the first publication hereinafter mentioned.

That the attached notice was published 2 times in 2 consecutive issues of said newspaper, and not in any supplement thereof, the first publication being on Aug. 15 1913, and the last publication being on Aug. 22 1913.

C. W. Morgan

Subscribed in my presence and sworn to before me this the 23rd day of August 1913.

My Commission Expires May 26, 1921

J. C. Menger
Notary Public.
Otero Co., N. M.

Publication Fees

\$

8/15/1913

BEFORE THE STATE ENGINEER
OF THE STATE OF NEW MEXICO

In Re Application,
No. 1193.

FILED
AUG 22 1921
STATE ENGINEER

To Chas. A. May, State Engineer, of the State of New Mexico:

I, L. N. Jones, a duly licensed surveyor of the State of New Mexico, who was on the 12th day of August, 1921, by the State Engineer appointed to make final inspection and report under Permit No. 1193, respectfully reports as follows:

1. The location of the point of diversion is situated near the middle of the east half of the northeast quarter of the northwest quarter of Section 16, Township 18, south of Range 10 east, and more particularly described as follows: The said place of diversion bears south 74 degrees and 15' east, 2508 ft. distant from the corner of Sections 8, 9, 16 and 17 in Township 18, south of Range 10 east.

2. The actual construction work conforms substantially with the plans and specifications set forth in the original application and map accompanying the same. The diverting work consists of a dam about 150 feet long, about 2 feet in width across the top, and width at the bottom being about 5 to 6 feet, the dam consisting of native boulders and dirt. The ditch is about 4 miles long, the top being about 9 feet, the bottom 3 feet, the maximum carrying capacity being 100 cubic feet of water per second.

3. That the said parties making the proof have diverted water during this irrigation season from time to time as there was flood flow available for that purpose, but it is impossible to tell exactly the number of acre feet applied at any one time. The total however will probably reach 3 acre feet.

4. That the periods of annual use vary in this section on a flood appropriation on account of the uncertainty of the rains, but this season the rains began in the latter part of May and are still continuing to this date. The period of annual use generally begins about the middle of June and extends to about the first of September, and the applicants are required afterwards to supplement

-2-

the flow by such flood as they may get during the fall, winter and early spring.

5. That the area cultivated by each of the parties is as follows:

120 R. E. Rupard, 5 acres in cultivation in N. E. Cor of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, 18 S. 10 E. Grazing lands irrigated 115, 40 acres in S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 18, and remainder in N $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Sec. 18.

246 Eva Robinson, 20 acres in cultivation, 14 in NW cor of S $\frac{1}{2}$ of of Sec. 13, and 6 acres along the west side of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24, 18 S. 9 E. 220 acres of Grazing lands, all of S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 13, 18, 9, E. except 14 acres described as in cultivation. E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 24; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 24, except 6 mentioned above as in cultivation.

160 E. E. Coppernoll, 10 acres in cultivation in SE cor of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 24, 18, 9 E. 150 acres of Grazing lands, All of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 24, the N $\frac{1}{2}$ of SW $\frac{1}{4}$ except 10 acres in cultivation mentioned above.

5. That the holders of the said permit 1193 are three of the original applicants---the other applicants, Ed. Billups and B. M. Hudman, not offering any proof of beneficial use of the waters applied for.

7. That the undersigned does not know of the ownership or control of the right of way for the works used in diverting the said waters, and the same must be furnished by the applicants.

8. That the duty of three acre feet of water per annum delivered on the lands of the said parties which was actually applied to beneficial use, is not excessive. That, in fact, for the average years the said parties will have very great difficulty in securing that amount of water from flood sources.

State of New Mexico,)
County of Otero.) ss.

I, I. N. Jones, hereby certify that I am the engineer who made the inspection in the field of the works known as the Coppernoll Flood Ditch, in Otero County, New Mexico, under Permit No. 1193, diverted from the Dog Canyon arroyo which is supplied by the flood waters of the Dog Canyon, and have found them in satis-

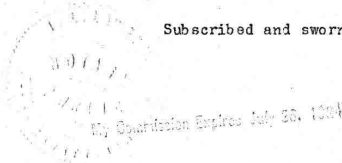
-3-

factory condition to deliver the full amount of water actually applied beneficially on the total area described. I suggest the issuance of a certificate of construction and a license to appropriate in accordance with the statute and recommendations herein contained. The said license to be allowed for the full capacity of the works, provided the total amount appropriated shall not be in excess of the equivalent of three acre feet of water per acre, delivered on the land during each year, and to be limited and appurtenant to the lands of the said applicants making their final proof.

L. N. Jones

Subscribed and sworn to this the 18th day of August, 1921.

J. L. Lawm.
Notary Public



STATE OF NEW MEXICO,
COUNTY OF OTERO.

In Re Application
No. 1193.

R.E. Robinson being first duly sworn on oath says: That he is a resident of the above named county and state, living near Valmont, New Mexico. That he is personally acquainted with Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed Billups and also with B. M. Hudman during his live, the latter having died about two years ago. That he is familiar with the land situated near the mouth of Dog Canyon in the said county of Otero and also the ditch known as the Coppernoll Flood Ditch under application No. 1193 and before the office of the state engineer. That the said ditch, with diversion dam, begins about the middle of the east half of the northeast quarter of the northwest quarter of Section Sixteen (16) Township Eighteen (18) South of Range Ten (10) east and runs for about half a mile over this school section and then a little over half a mile across the south half of the northeast quarter of Section Seventeen (17), this being unoccupied public lands of the United States. That from about the center of the said Section 17, the ditch follows a little below the east and west line for a little over a half mile across the lands belonging to R. E. Robinson. That from the east line of Section 18 in the same township and range the said ditch runs a little below the east and west line across the lands of the said R. E. Robinson now filed upon but no patent having been issued to him by the government. That from the center of Section 18 the said ditch extends south and west for about a half mile over the lands of R. E. Rupard, one of the applicants. That from the east line of township 18, south of range 9 east, the said ditch runs west a half mile over the lands of Eva Robinson, one of the applicants, and from the said point the said ditch runs south a half mile over the lands of the said Eva Robinson; and from the last named point the said ditch crosses a little to the west on to the lands of E. E. Coppernoll, one of the applicants, and runs to the southeast corner of the northeast quarter of the southwest quarter of Section 24 in the same township and range; from the last named point the said ditch runs west a half mile to the corner of the lands shown on the map of the applicant B. M. Hudman. That the only

-2-

lands over which the said diversion dam and ditch runs, other than that of applicants, belongs to the State of New Mexico, the United States and R. E. Robinson, and that the latter is brother to the applicant Eva Robinson. That the said R. E. Robinson has given his consent for the said ditch to pass over his lands above described, and that there is no other person who can or does make any claim to any of the land over which the ditch passes.

R. E. Robinson

Subscribed and sworn to before me this the 22nd day of August, 1921.

My Commission Expires July 26, 1924

J. L. Lawrence
Notary Public

State of New Mexico,
County of Otero.

I, R. E. Robinson, the party named in the above affidavit, hereby consent and agree and also do hereby grant, confirm and release unto Eva Robinson, R. E. Rupard and E. E. Coppernoll, a right of way for the said Coppernoll Flood Ditch, across the north line of the southwest quarter of Section 17, the southeast quarter of Section 18 in township 18, south of Range 10 east, so long as the said ditch is maintained and used by the said parties.

Witness my hand and seal this the 22nd day of August, 1921.

R. E. Robinson (Seal)

State of New Mexico,
County of Otero.

On the 22nd day of August before me personally appeared R. E. Robinson, to me known to be the person described in and who executed the above instrument and acknowledged that he executed the same as his free act and deed.

In Witness Whereof, I have hereunto set my hand and seal the day and year above written.

My Commission Expires July 26, 1924

J. L. Lawrence
Notary Public

STATE OF NEW MEXICO, Y
COUNTY OF OTERO. I

In Re Application

No. 1193.

AUG 24 1921
1193

H.F. Havins being first duly sworn on oath says: That he is a resident of the above named county and state, living near Valmont, New Mexico. That he is personally acquainted with Eva Robinson, R. E. Rupard, E. E. Coppernoll, Ed Billups and also with B. M. Hudman during his live, the latter having died about two years ago. That he is familiar with the land situated near the mouth of Dog Canyon in the said county of Otero and also the ditch known as the Coppernoll Flood Ditch under application No. 1193 and before the office of the state engineer. That the said ditch, with diversion dam, begins about the middle of the east half of the northeast quarter of the northwest quarter of Section Sixteen (16) Township Eighteen (18) South of Range Ten (10) east and runs for about half a mile over this school section and then a little over half a mile across the south half of the northeast quarter of Section Seventeen (17), this being unoccupied public lands of the United States. That from about the center of the said Section 17, the ditch follows a little below the east and west line for a little over a half mile across the lands belonging to R. E. Robinson. That from the east line of Section 18 in the same township and range the said ditch runs a little below the east and west line across the lands of the said R. E. Robinson now filed upon but no patent having been issued to him by the government. That from the center of Section 18 the said ditch extends south and west for about a half mile over the lands of R. E. Rupard, one of the applicants. That from the east line of township 18, south of range 9 east, the said ditch runs west a half mile over the lands of Eva Robinson, one of the applicants, and from the said point the said ditch runs south a half mile over the lands of the said Eva Robinson; and from the last named point the said ditch crosses a little to the west on to the lands of E. E. Coppernoll, one of the applicants, and runs to the southeast corner of the northeast quarter of the southwest quarter of Section 24 in the same township and range; from the last named point the said ditch runs west a half mile to the corner of the lands shown on the map of the applicant B. M. Hudman. That the only

-2-

lands over which the said diversion dam and ditch runs, other than that of applicants, belongs to the State of New Mexico, the United States and R. E. Robinson, and that the latter is brother to the applicant Eva Robinson. That the said R. E. Robinson has given his consent for the said ditch to pass over his lands above described, and that there is no other person who can or does make any claim to any of the land over which the ditch passes.

R. E. Robinson

Subscribed and sworn to before me this the 22nd day of August, 1921.

My Commission Expires July 26, 1924

J. L. Lawrence
Notary Public

State of New Mexico,
County of Otero.

I, R. E. Robinson, the party named in the above affidavit, hereby consent and agree and also do hereby grant, confirm and release unto Eva Robinson, R. E. Rupard and E. E. Coppernoll, a right of way for the said Coppernoll Flood Ditch, across the north line of the southwest quarter of Section 17, the southeast quarter of Section 18 in township 18, south of Range 10 east, so long as the said ditch is maintained and used by the said parties.

Witness my hand and seal this the 22nd day of August, 1921.

R. E. Robinson (Seal)

State of New Mexico,
County of Otero.

On the 22nd day of August before me personally appeared R. E. Robinson, to me known to be the person described in and who executed the above instrument and acknowledged that he executed the same as his free act and deed.

In Witness Whereof, I have hereunto set my hand and seal the day and year above written.

My Commission Expires July 26, 1924

J. L. Lawrence
Notary Public

Other Supporting Information

STATE OF NEW MEXICO



OFFICE OF
STATE ENGINEER

SANTA FE

JOHN H. BLISS
STATE ENGINEER

February 5, 1948.

Mr. A. van V. Dunn,
Chief, Water Resources Branch,
Department of the Interior,
Washington 25, D. C.

Dear Sir:

Reference is made to your letter of January 21st, regarding your request for copies of Water Right Applications Nos. 386 and 1193, and the related file maps, together with a voucher for \$7.00 to cover the cost of reproduction.

Under separate cover, we are mailing the maps as follows:

Map filed as proof of Application 386

" " " " " " 1193

Water Resource Map of Otero County, Arizona, compiled by
State Board of Water Commissioners.

Enclosed herewith are copies of the following:

Water Right Application No. 386
License Issued on Application No. 386
Water Rights Application No. 1193
License issued on Application No. 1193.

Your voucher is also enclosed, which has been signed as requested.

We are sorry for this delay and hope it has not inconvenienced you in any way..

Very truly yours,

John H. Bliss,
State Engineer.

By: *A. F. Brown*
Asst. State Engineer.

ma
encl. Copies of Licenses Nos.
386 & 1193
Copies of Permit Nos. 386 & 1193
Voucher

September 3, 1921.

1193

Mr. J. L. Lawson,
Alamogordo, N. M.

Dear Sir:

The report by Mr. L. N. Jones
on his final inspection of Permit No. 1193
together with affidavits as to ownership
of the right-of-way for the construction works
have been duly received and filed in this office.
Enclosed please find Certificate of Construction
and Final License together with Receipt No. 2306
covering remittance of \$10.00 in payment of
fee for these papers.

Very truly yours,

State Engineer.

BMT:IM
ENC

J.L.LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

August 22, 1921

State Engineer,
Santa Fe,
New Mexico.

Dear Sir:

In Re Application No. 1193.

I am enclosing you proof of control and ownership of the diversion dam and right of way. You will notice that the ditch is mostly on the land of the applicants and only part of it touches an individual's land. This individual is R. E. Robinson and I have had him make an affidavit and also had him add to it a form of a grant for the right of way.

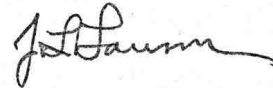
As to the school section and the lands belonging to the state, there is no way that we can get title to the right of way and in fact I presume you do not expect this.

In case there is any further requirement, kindly let me know.

I am enclosing you a check for \$10 to cover the final fee which you named.

Yours very truly,

(Enc.)
JLL:MV



J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

August 20, 1921

State Engineer,
Santa Fe,
New Mexico.

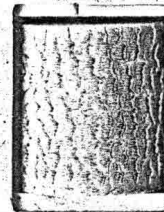
Dear Sir:

I had Mr. Jones make the examination and report on water application No. 1193 and inclose the same to you with the other papers which you sent.

The question of right of way for the ditch and diversion dam we must supply from other sources and I will get this data to you just as soon as possible.

Yours very truly,

(Enc.)
JLL.MV



August 12th, 1921.

1193

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:-

In reply to your letter of August 10, Proof of Completion of Construction Work and Application of Water to Beneficial Use under Permit No. 1193, have been received and filed August 11th, 1921.

In accordance with your request I enclose letter of authority designating L. N. Jones to make the final inspection and report and I am enclosing the proofs filed in order that they may be checked by him and resubmitted with his report.

There will be due a fee of ten dollars for the certificate and license.

Very truly yours,

State Engineer.

BMT-W

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

August 10, 1921

State Engineer,
Santa Fe,
New Mexico.

Dear Sir:

In re application No. 1193:

I am herewith enclosing you proof of completion of works and also proof of application of water to beneficial use by certain of the original applicants. The other applicants, I am informed, do not intend to make proof to your office.

We had L. N. Jones, an engineer of this place, go down and examine the works, although he was not the original engineer who made the survey and plats. In case Mr. Jones can act in the way of making an examination for your office, I think you will find him absolutely fair; and in case he cannot, the only person available that I know of is J. E. Edgington.

Kindly also let me know as to the balance of the fees due your office, and I will have the parties send the same.

Yours very truly,

J. L. Lawson

(Enc.)
JLL:MV

*proof of completion of works
submitted by L. N. Jones
\$100 fee for proof of work*

J.L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX

August 3, 1921

State Engineer,
Santa Fe, N. M.

Dear Sir:

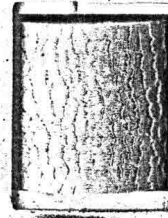
In re application No. 1193:

I have received your letter of the 1st stating that July 25, 1921 was the date for filing final proof. My understanding was--and I have a copy of the application before me--that the time for application to be of official use should not be later than July 25, 1921. I therefore took it that these parties would have this full time in which to complete the work, and a reasonable time thereafter in which to make the proof. I have notified the parties and expect to have this taken care of at an early date.

Yours very truly,

J. L. Lawson

JLL:MV



August 1, 1921.

1193

Mr. J. L. Lawson,
Alamogordo, N. M.

Dear Sir:-

On July 28th blanks were sent you on which to submit proof of completion of construction work and application of water to beneficial use, as per your request of July 26th.

The permit issued under your application No. 1193 fixes July 25, 1921, as the date for filing of these proofs and I would suggest that same be sent to this office as soon as possible in order that your permit may not be cancelled for failure to proceed therewith.

Very truly yours,

W
State Engineer.

July 28th, 1921.

1193.

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:-

In reply to your letter of July 26, I enclose the proper forms to use in submitting the proofs of completion of construction work and application of water to beneficial use under application No. 1193. If water has been fully applied to beneficial use and the applicants are ready for the final inspection, kindly designate the licensed engineer desired to do the work and the letter of authority designating said engineer will be sent from this office.

Very truly yours,

State Engineer.

BMT-W

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

7/26/21.

State Engineer,
Santa Fe, N.M.

1193

Dear Sir:-

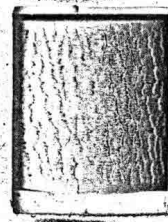
In Re; Application No. 1193, of Eva A. Robinson et al.,
the parties inform me that they are ready to make proof of beneficial use. Kindly send me your usual blanks for making such proof.

Very truly,

K/l.

J. L. Lawson

*If order of this nature is for your use
they will be copied.*



July 9, 1919.

1193.

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

In reply to your letter of July 5.

I have your check for \$5.00 on account of issuing
and recording the permit under application No. 1193, and
enclose receipt No. 1674 for the above amount.

You will find enclosed the duplicate approved
application, duplicate Notice of Intention filed Feb. 12,
1918, and duplicate notice filed Dec. 26, 1917. The
duplicate approved filing map is forwarded under separate cover.

Very truly yours,

bmt

State Engineer.

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

7/5/19.

667

The State Engineer,

Santa Fe, N.M.

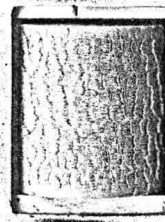
Dear Sirs;-

In re Application Eva A. Robinson et al., I beg to enclose check for \$5.00 to cover the amount due your office. The parties have been notified to prepare the proof of construction and beneficial use within the time required.

Very truly yours,

K/l.

J. L. Lawson



June 25, 1919.

1195.

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

The application of Eva Robinson, et al., has been taken up and approved June 25, 1919. There is due a fee of \$5.00 for issuing and recording the permit and on receipt of this, the approved duplicate application will be forwarded to you with duplicate approved filing map, and will constitute the permit to proceed with the project. I understand from your letter of January 27th, last, that the construction work is complete and have accordingly set no time for that work. As soon as the water is applied to a beneficial use the proofs of construction and application should be submitted and request made for the final inspection. If you so request, a local licensed engineer will be designated to make the final inspection and report.

Very truly yours,

bmt

State Engineer.

April 21, 1919.

1193

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

**This is to acknowledge receipt of publisher's
affidavit of publication which has been filed of record
under No. 1193, and given date of April 21, 1919
_____.**

Very truly yours,

bmt

State Engineer.

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

4/19/19.

1193

The State Engineer,
Santa Fe, N.M.

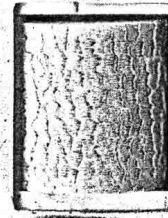
Dear Sir:-

IN RE: APPLICATION No. 1193, of Robinson, Rupard et al.,

I beg to return you the Original and Duplicate corrected in accordance with your suggestions.

You will also find Affidavit of Publication, on the Notice for Publication sent by you.

J. L. Lawson



March 13, 1919.

1193.

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

The original and duplicate maps with the duplicate of the formal application have been received. Assuming that the data on the maps is correct, I have checked the application therewith and find that they do not agree as to the location of the point of diversion. These errors were carried into the notice as published and there are also several errors and omissions in the proof as published, making necessary a new publication in accordance with the enclosed notice. I am also returning the original and duplicate applications and wish you would make the indicated corrections thereon. Before the map can be approved, Mr. J. E. Edgington who prepared the map and did the field work must qualify as a licensed surveyor or the work prepared by a licensed surveyor and certified.

4/14/19 113

H. C. Robert W. McLaughlin
blawen

Very truly yours,

State Engineer.

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

1193
3/8/19.

The State Engineer,
Santa Fe, N.M.

Dear Sir:-

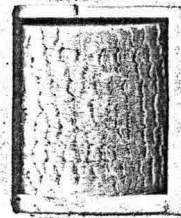
In re.application of Hudman et als., I have had Mr. Edgington
to go over the maps, and hope that he has made the corrections to meet
your objections.

He tells me that he will have his qualification as required by
you prepared and sent up within a few days.

Very truly yours,

K/l.

J. L. Lawson



February 11, 1919.

1193.

Mr. J. L. Lawson,
Alamogordo, N.M.

Dear Sir:

In reply to your letter of January 27.

The proper blanks upon which to report and submit proof of completion of works and proof of application of water to beneficial use are enclosed. It appears from examination of the record of this case that the application and map have not been officially approved, though the duplicate map and the duplicate application were returned to you at your request under date of January 11th, last. I have checked the original map on file here and find that it is not in accordance with the specifications contained in the Manual in a few particulars so am returning it for correction to comply with Art. XIV sub. sections (f) and (m). The map is also in error in stating that the scale is 1 inch to 1200 ft. A copy of the revised Manual is forwarded you under separate cover. Mr. Edgington who prepared the map and did the field work does not appear on the list of licensed surveyors and I have written him suggesting that he secure a license in order that the work may not have to be done over again by another surveyor. When the corrections are properly made kindly return both the original and duplicate of the map and the application in order that the

proper notations and formal approval may be noted thereon.

The report of inspection of the completed works may, if you so request, be delayed until the application of water to beneficial use and the inspections both made at the same time. After receipt of your proof of application of water to beneficial use a representative from this office will make the inspection at the first opportunity. The fees for the final license and the certificate of construction of works are five dollars each and the fee for the negative of the original tracing is two dollars.

Very truly yours,

State Engineer.

J.L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

1/27/19.

The State Engineer,

Santa Fe, N.M.

Dear Sir:-

I received the duplicate application of Hudman, Robinson, Coppernoll, Rupard and Billups No. 1193. The parties have finished the construction work, and want to make the proof to your office. I shall therefore appreciate it if you will send me such blanks as you require the proof to made on, and also let me know who you want to make the examination and the report.

As the copy I have does not show the time of the beginning, part completion, full completion and time of beneficial use, I shall be pleased if you will give me the data. In this way we will be able to comply with your full requirements.

Very truly yours,

K/l.

J. L. Lawson

*Write Sheriff Alamogordo
re Combs and 1193 and
be sure to get the report.*

1193.

Santa Fe.

Jan. 11th 9.

Mr. J. L. Lawson.

Alamogorpe N. M.

Dear Sir:

Under separate cover I send you by express
the duplicate copy of the map, and the formal application in NO.
1193 as requested, please return same as soon as you get the data.

Very truly yours.

State Engineer.

J.L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

1/8/19.

1193

State Engineer,
Santa Fe, N.M.

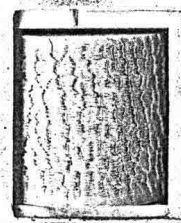
Dear Sirs:-

In Re. Application No. 1193 of Hudman, Billups et als.,
the parties have not the full data to complete their work of diversion,
and they will appreciate it very much if you will send me the duplicate
copy of the Map and Application, at my expense by express. They will
return them as soon as we get the data.

Very truly yours,

K/l.

J. L. Lawson



September 10, 1918.

1193.

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:

This is to acknowledge receipt of publisher's
affidavit of publication in connection with the Robinson,
Rupard, Coppernoll, Billups and Hudman application, which
was filed of record August 26, 1918, under No. 1193.

Very truly yours,

State Engineer.

ASK-VR

August 5, 1918.

1193.

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:

Formal application and maps under notice of
intention No. 1193 were received and given date July 19,
1918.

Publication notice has been ordered and enclosed.

Very truly yours,

State Engineer.

ASK-VR

Enc.

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

7/17/18.

7/19/18

Recd 7/9

The State Engineer,

Santa Fe, N.M.

Mr. French;-

I am sending you herewith the Application and
also the Maps, both in duplicate, in behalf of Eva Robinson
et al., for appropriation of the Flood Waters of Dog Canon in
this County.

Hoping that it meets with your requirements. You will
note that it calls for Flood Waters only, and not any perma-
nent waters.

If we are behind on any of our fees in this case kindly
let me know and I will make prompt remittance.

Very truly yours,

K/l.

J. L. Lawson

Carl Hill for 304 7/18

February 13, 1918.

1193.

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:

Yours of the 9th, relative to replacing notice of intention under No. 1193, received. Since there are ~~no~~ intervening rights on Dog Canon, we have replaced the original notice of intention by the one executed February 9, 1918, in the names of Hudman, Billups, Coppernoll and Robinson under date of February 12, 1918. The applicants have until August 12, 1918, to file formal application and plats as required.

The enclosed form letter is intended for your information.

Very truly yours,

State Engineer.

ASK-VR

Enc.

*first notice to
since there are
no intervening
rights we have filed*

Alamogordo, N. M., Feb. 9th, 1918.

RECEIVED
FEB 12 1918
OFFICE STATE ENGINEER

State Engineer,
Santa Fe, N. M.

Dear Sir:

On the 24th of December, 1917, I sent you a notice of intention by B. M. Hudman and E. Y. Billups, to appropriate certain waters of Dog Canyon. Since that time, two of their neighbors have desired to join with them in appropriating the waters, and I have accordingly made up and am inclosing you another notice of intention, including in this Eva. A. Robinson, and E.E.Coppernoll. The latter did not subscribe and swear to the notice of intention for the reason that he is now temporarily out of the state, the work being in the hands of his wife. I did not believe that it would make any great difference as to this one signature, but if it does, we can secure his signature by sending it to El Paso, Texas.

If no application or notice of intention has been filed, to appropriate the waters of Dog Canyon, since the one of Mr. Hudman and Mr. Billups, then I should like to know if you can substitute in place of the other one, giving the same time to file the permanent application. If this cannot be done, and no intervening application has been filed, or notice of intention, then cancel the first application and file this in its place, using whatever fees we may have on deposit with you left to apply, and then let me know and I shall be pleased to send you the other fees. In case an intervening notice of intention or application has been filed, to appropriate these waters, then return me the papers and I will have Miss Robinson and Mr. Coppermoll file an application to appropriate waters from this source, and all the parties can use the same ditch.

Yours very truly,

J. L. Lawson

January 4, 1918.

1193.

Mr. J. L. Lawson,
Alamogordo, New Mexico.

Dear Sir:

Receipt No. 1259 for \$10.00 is being enclosed.

Notice of intention by Mr. Hudman was received
and given date December 26, 1917, and filed of record
under No. 1193. He has until June 26, 1918, to file
formal application and plats as required.

Very truly yours,

State Engineer.

ASK-VR

Enc-

J. L. LAWSON
ATTORNEY AND COUNSELOR AT LAW
ALAMOGORDO, NEW MEX.

12/21/1917.

State Engineer,

Santa Fe, N. M.

Dear Sir:

I am herewith inclosing you a notice of intention to make formal application for permit to appropriate certain flood waters out of Dog Canon, in this county. You will also find inclosed a check for \$10.00 to cover filing fees in your office. Kindly let me know at an early date as to what time is usually given for filing the permanent intention. Also please send me some notices of intention and an application for making the regular filings.

Yours very truly,

J. L. Lawson

JLL:LS

*Let J. L. Lawson
app*

